IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

Crl.MC.No. 3547 of 2007()

CC.1276/2003 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA

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PETITIONERS/ACCUSED:

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1. RAJEEV S/O.RAVI,
KIZHAKKEKKUTTU
MEENTHALAKKARA, MANJADI P.O.

2. SANTHOSH S/O.KESAVAN
UTHIMOOTTIL HOUSE,
MEENTHALAKKARA, MANJADI.P.O

3. NISHAD S/O.GOPALAKRISHNAN,
ANJALIMOOTTIL,
MEENTHALAKKARA, MANJADI.P.O

BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR
SRI.T.P.PRADEEP

RESPONDENTS:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON / / , THE COURT ON 26/11/2007 PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3547 of 2007

Dated this the 26th day of November 2007

O R D E R

The petitioners face indictment for offences punishable inter alia under Section 325 read with 34 I.P.C. The petitioners were enlarged on bail. Cognizance was taken as early as in 2003 as can be seen from the number assigned to the case, that is C.C.No.1276/2003. The petitioners did not appear on 8/2/2007. The petitioners find warrants of arrest issued by the learned Magistrate chasing them.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Their absence earlier was not wilful or deliberate. The petitioners are willing to surrender before the learned Magistrate and seek regular bail. But they apprehend that their application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. They, therefore, pray that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioners on bail when they appear and apply for bail.

3. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which they could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioners on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioners surrender before the learned Magistrate and apply for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007